

COMMITTEE FAILS TO TAKE ACTION

Not Yet Ready to Recommend Successor to Rev. W. C. Taylor, D. D.

SEVERAL DEATHS SUNDAY

Monuments Unveiled by Woodmen—Other News of Petersburg.

Times-Dispatch Bureau, 109 North Seymour Street, Petersburg, Va., October 23.
A meeting of the committee of the First Baptist Church, appointed some weeks ago to select a pastor to succeed the Rev. W. C. Taylor, D. D., met yesterday after the hour of morning service for conference and consultation. No action was taken, however, in the matter of extending a call, as the committee has not yet concentrated on any one man to whom to extend a call, and the field is yet open. The committee has several names under consideration, and early action may be expected.

Deaths on Sunday.

John W. Sandford, aged about fifty-two years, a well-known citizen and for many years engaged in the butcher business, died at his residence on Grove Avenue at a late hour last night. He had been in declining health for nearly a year. During the late 80's and early 90's he was a member of the police corps. Mr. Sandford is survived by nine children, sons and daughters, all of this city.

Mrs. Susan R. Cheatham, widow of Christine Cheatham, died on Sunday morning at the residence of her son-in-law, Joseph Bevan, on West Street, after several years of failing health. She was eighty-one years old, and is survived by one daughter, Mrs. Joseph Bevan.

Frank Bolling Varner, only child of Mr. and Mrs. Edward Varner, died suddenly yesterday afternoon at the home of the parents on Commerce Street.

Sudden Illness.

Mrs. E. Aulick Burke was taken suddenly ill last night about 11 o'clock, and it was found necessary to hurry her to the hospital to undergo an operation. This was performed at once by her husband, and her condition to-day is reported as very favorable.

Blind Tiger Raided.

On definite information received, the police yesterday afternoon made a raid on the house of William Alexander (colored), on Lombard Street, where a "blind tiger" was found in operation. The proprietor was captured and about eighteen quarts of liquor, in many bottles, were seized and taken.

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to the station house, where they were arranged in front of the court as evidence. Alexander was fined \$100 for selling liquor on Sunday and without a license, and held in bond of \$500 for his good conduct for the period of twelve months.

Monuments Unveiled.

Monuments in memory of Charles D. Abernathy and his son, William S. Abernathy, members of the order of Woodmen of the World, were unveiled yesterday in the family cemetery near Cherry Hill, in Dinwiddie county, under the auspices of Hollywood Camp, of this city. The attendance, both of members of the order and of friends, was large, and the ceremonies were impressive. Father and son were residents of Petersburg at the time of their death. They passed away within a short time of each other, and their graves are side by side.

Hustings Court Cases.

In the Hustings Court to-day three true bills of indictment for felonies were returned by the grand jury. Robert Crocker, colored, convicted of felonious assault, was sent to jail for twelve months. George White, negro, convicted of robbery from the person, was sentenced to the penitentiary for one year. The case of Isaac Cooper, indicted for the murder of his wife, was set for trial on November 20.

General News Notes.

During the five days of the fair last week, the Virginia Railway and Power Company hauled 72,500 passengers in its cars.

Victor Galli, just over from Italy, arrived in the city this morning, and is stopping with his brother, F. M. Galli. This is the first time the brothers ever met. A family reunion was held to-night, at which five brothers and one sister were present.

Express Bull.

March Bull, agent of the Southern Express Company, who recently released a number of homing pigeons sent him by W. H. Jacobs, of York, Pa., has received a letter from Mr. Jacobs thanking him for his courtesy, and saying that the pigeons made the best mile race between Petersburg and York ever known. One of the pigeons averaged 1,492 yards a minute the entire distance.

Herbert Plummer was taken to the hospital last night and operated on for appendicitis by Dr. F. W. Hains.

The tobacco industry in Petersburg, Va., is stated, will not be seriously affected by the reorganization of the American Tobacco Company.

In the Police Court this morning, E. W. Broyles was fined \$50 and reprimanded for carrying a pistol at the fair grounds. Charles Forsythe, who was charged with assault on Franklin Smith, was discharged.

The Academy of Music will be closed to vaudeville during the balance of the season, and will only give standard shows.

DISEASED COWS MAY INFECT MAN

Exclusion from food supplies of milk from the recognized tuberculous cow is strongly recommended by the Royal Commission on Tuberculosis, which for a period of no less than ten years has made a study in England of possible transference of tuberculosis from cows to the human being. In view of the efforts of Virginia cities toward purification of the milk supply and of the work of the Dairy and Food Department toward ridding the herds of cattle which respond to the tuberculin test, the report just made is extremely interesting.

Heretofore the presence of the disease in a herd has been mainly viewed from the standpoint of the owner, who loses money if the infection is transmitted from one animal to another, resulting in the death of all attacked. Now, however, it is to be considered from the standpoint of the public. Some cities, including Lynchburg, in Virginia, will not allow the sale of milk from non-tested herds.

Germs Enter Milk.

The germs, it is known, pass from the cow's body and are liable to get into the milk. This is true after the slaughtering of diseased parts begins. Inasmuch as it seems impossible to tell just when this process starts, it is presumed the solution is testing and prevention of sale from infected animals.

The Royal Commission states in their report that there can be no question that human tuberculosis is in part identical with bovine tuberculosis, and that in a considerable portion of cases of the human disease the tissues contain and are actually due to microbes which are "in every respect indistinguishable from the bacilli which are the cause of tuberculosis in cattle. The commission concludes that "mammals and man can be reciprocally infected with the disease," and that tuberculosis can be communicated from animals to man either from infected cow's milk or from tubercular beef or pork.

Apart from the fact that bovine tubercle bacilli swarm in milk coming from cows with obvious tubercular disease, such germs may also be present in the milk of tuberculous cows presenting no local disease. The commission says that measures for securing the prevention of infection of living bovine tubercle bacilli with milk would greatly reduce the number of cases of tuberculosis of the abdomen and glands of the neck in children, and that "such measures should include the exclusion from the food supply of the milk of the recognized tuberculous cow, irrespective of the site of the disease."

TOBACCO PLAN IS NOT DISSOLUTION

States Unite in Protest Against Reorganization of Monopoly.

CONTROL IS UNCHANGED

Attorneys-General Present Brief Before United States Circuit Court.

When a hearing is given in the United States Court for the Southern District of New York on Saturday of this week on the protest of the Attorneys-General of Virginia, North Carolina and South Carolina against the proposed plan of reorganization of the American Tobacco Company, it is probable that Attorney-General Samuel W. Williams will speak on the subject. Representing Virginia, he joined in the conference held on Friday in New York to consider the plan.

As stated in Saturday morning's papers, the three attorneys decided to enter a formal protest against confirmation of the proposed reorganization, on the ground that it in no sense complies with the intent of the decision of the Supreme Court that the monopolistic features of the American Tobacco Company should be destroyed. The following brief was filed in the United States Circuit Court in New York yesterday:

Attempt to Nullify.
The plan submitted to this court by the American Tobacco Company does not have the merit of even looking like a dissolution of the combination or a destruction of the monopoly. We earnestly protest that said plan is in no sense a compliance with the judgment of the Supreme Court of the United States, but, tested by the rule of reason which the Supreme Court invoked in the interpretation of the law, it is plain that the plan is a bold attempt to nullify the judgment of the court.

The one purpose of the bill in equity filed in this cause and the one purpose of the decree obtained in answer to its prayer was to restore the competition that had been destroyed. The plan of the American Tobacco Company contributes nothing to this end. It turns loose no asset and no agency by which it now maintains its absolute dominion over the tobacco trade. Its avowed power and its utter unwillingness to loosen its grip on the tobacco business is strikingly illustrated in its refusal to give up one of the least of its subsidiary companies—E. P. Richardson, Jr. & Co., (Inc.), although that company has been from the inception of this suit petitioned to be allowed to do an independent business.

Control Not Distributed.

The division of the company into four or fourteen working organizations, each and every one of them dominated and controlled by the present common stockholders of the American Tobacco Company, will effect a change in the method of bookkeeping and nothing more. Ownership necessarily means oneness of control, and the plan submitted contains the same kind of dismemberment that takes place when the hand divides into fingers. We submit that if the evidence taken in this cause had disclosed the same condition which the tobacco company proposes now to create, the findings of the court would have been in no way different. The combination would have been as effective, the monopoly as complete, and the violation of the law as clear as under a single organization.

It is axiomatic that business moves along lines of self-interest, and there can be no real competition between persons or corporations unless their interests are antagonistic. The plan proposed by the tobacco company maintains a community of interest between all the companies it is proposed to create, and this makes real competition between them impossible. In its patent failure to separate into independent entities, in the utter absence of a serious effort to restore the competition which has been destroyed, the plan submitted by the American Tobacco Company falls far short of the primary and imperative requirement of the court "that complete and efficacious effect shall be given to the prohibitions of the statute and a condition created which shall be consistent in harmony with and not repugnant to law."

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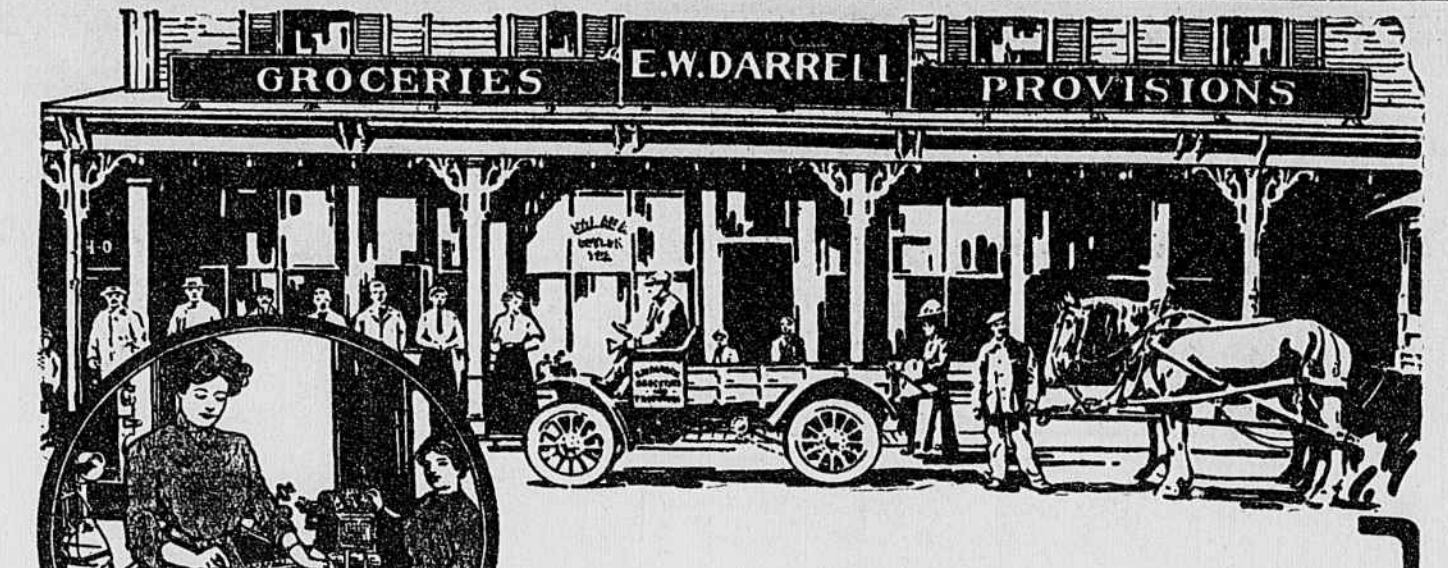
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Crucial Question.

We maintain that if the American Tobacco Company shall be allowed to break up into any number of parts and the present stockholders shall receive stock in each and every one of the new companies in proportion to their holdings in the original company, the decision of the Supreme Court will not be a thing of value. Diversity of ownership is absolutely necessary to secure diversity of control. To reflect the plan as fundamentally defective on this account is far from holding that an individual may not hold stock in competing corporations. We are not dealing with abstract propositions but with aggregations of men and corporations that have been found guilty of violating the law and have been ordered to restore the competition they have destroyed. To require these violators of the law to disband and to forbid them by oneness of ownership to perpetuate the monopoly they have created, will cause no alarm to stockholders in corporations that are doing a legitimate business. This is the crucial question to be settled by the court, and the answer to this question will determine whether under existing law relief can be awarded "effective with the ultimate redress of the wrongs which are found to exist."

The fundamental error in the plan proposed by the American Tobacco Company is that in determining where the ultimate control of this several companies will reside, it distinguishes between the common stock held by the twenty-nine individual defendants and that held by other individuals.

This distinction is wholly arbitrary. The court finds "that the combination as a whole involving all its cooperating or associated parts in whatever form clothed, constitutes a restraint of trade within the first section and an attempt to monopolize or a monopolization within the second section of the antitrust act." This finding reaches every common stockholder and taints every share of the common stock with the vice of illegality. If the twenty-nine individual defendants are to hear the sins of the whole company they should be put into a class and company all to themselves, and the other companies should be left free from their unwholesome influence.

Could Solve Difficulties.
We furthermore submit that there are no insurmountable difficulties in

the way of an actual division of the

assets of the American Tobacco Company and the formation of new corporations having no connection with each other either in ownership or control. The genius that could triumph over bitter rivalries, over international pride and prejudices and reduce a thousand warring elements to a company harmonious unit would find it easy to accomplish an equitable partition if it would concentrate its energies upon that task. Vast estates and kingdoms have been and are constantly partitioned. The principles of equity of partition and in some instances of sales for division could be justly invoked in a serious effort to comply with mandate of the court.

The difficulty of an equitable partition lies not so much in the inability as in the unwillingness to make one. In its petition filed herein the tobacco company says, upon oath, that the assets of the company can be fairly divided among fourteen companies. This is a complete answer to the suggestion that an actual equitable partition is impracticable. Give to the fourteen companies independence, the elements of complete proportioned, forbid the stockholders in any one of these companies from owning stock

in any of the others and perpetually

enjoin them from acquiring such stock, and a condition will be created in compliance with the judgment of the court. If a holds fourteen shares of common stock of the American Tobacco Company, what is the necessity for allotting to him a single share in fourteen different corporations? Why not give him his entire holdings in a single company? Possibly he would then have some incentive to give some attention to the management of his company.

Prefer Present Status.

The necessary and doubtless sought-for result of distributing the holdings of each individual among a large number of companies would be to render indifferent the 5,900 small stockholders and leave the real control of all the companies in the hands of the twenty-nine individual defendants and a few other individuals named as defendants, but who have always been allied with or under the control of the twenty-nine.

But if the difficulties in the way of a real dissolution of the combination and a real destruction of the monopoly are so great that they cannot be overcome, then let there be a candid confession of that fact, and let the

Supreme Court make such further

orders as indicated in its opinion that the exigencies of the situation may require. The present status is more tolerable than the plan proposed by the trust, for if this plan shall receive judicial sanction henceforward the trust will carry the law as an asset instead of a liability; henceforward the trust will do in the name of the law what it has theretofore done in its fear. If the law is powerless to avert, it can at least refuse to sanction evil.

All of which is respectfully submitted for the consideration of this honorable court.

One Negro Shoots Another.

[Special to The Times-Dispatch.]
Cape Charles, Va., October 23.—During a game of craps this afternoon near Exmore, in which only a nickel was involved, James Ayres, colored, drew a 38-calibre revolver and fired at Bruster Parker, also colored, the ball entering the right breast. Parker died while en route to Salisbury Hospital. Ayres gave himself up and was placed in jail at Accomac to await trial.

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